



BN3 – BRITISH SUBJECT STATUS

www.ukba.homeoffice.gov.uk



1. These pages explain how the British Nationality Act 1981, which came into force on 1 January 1983, applies to British subjects. Paragraphs 2 to 8 deal with British subject status; paragraph 9 explains how British subjects may be registered as British citizens; paragraphs 10 and 11 contain general information.

NB. Before 1949, nearly all British nationals were known as “British subjects” and, until 1 January 1983, all Commonwealth citizens were also British subjects. But only the limited categories of people described in this leaflet are known as British subjects under the British Nationality Act 1981.

PEOPLE WHO BECAME BRITISH SUBJECTS UNDER THE BRITISH NATIONALITY ACT 1981 ON 1 JANUARY 1983

2. You became a British subject on 1 January 1983 if, on 31 December 1982, you were:

- a British subject without citizenship (see Note A); **or**
- a British subject because you had made a claim under section 2 of the British Nationality Act 1948 (see Note B); **or**
- a British subject by registration under the British Nationality Act 1965 (see Note C)

CLAIMS TO BE A BRITISH SUBJECT BY CITIZENS OF THE REPUBLIC OF IRELAND WHO WERE BORN BEFORE 1 JANUARY 1949

3. If you are a citizen of the Republic of Ireland, and you have not made a claim to be a British subject under section 2 of the British Nationality Act 1948 (see Note B), you may give the Home Secretary notice, in writing, claiming to remain a British subject if

- on 31 December 1948, you were a citizen of Eire and a British subject; **and either**
- you have been in Crown service under the United Kingdom Government; **or**
- you have associations by way of descent, residence or otherwise with the United Kingdom or a British overseas territory (see Notes D and E)

If you make a claim, we will consider you to have been a British subject throughout the period since 1 January 1949.

You can obtain further information about making a claim by contacting the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10)

CHILDREN BORN ON OR AFTER 1 JANUARY 1983 TO BRITISH SUBJECTS

4. British subjects cannot normally pass on their status to their children who were born on or after 1 January 1983. However, a child *may* be a British subject when he or she is born if:

- one of the parents (see Note F) is a British subject; **and**
- the child is born on or after 1 January 1983 in the United Kingdom (see Note D) or a British overseas territory (see Note E); **and**
- the child would otherwise be stateless

There are more details about how the Act reduces statelessness in leaflet BN5, which is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10).

REGISTRATION AS A BRITISH SUBJECT

5. A person who is stateless may be entitled to be registered as a British subject. There are more details about how the Act reduces statelessness in leaflet BN5, which is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10).

6. The Home Secretary can register any child under 18 as a British subject but will normally only agree to registration if:

- at least one of the parents (see Note F) is a British subject, **and**
- the child is stateless (and cannot acquire any other nationality), **and**
- there are compassionate circumstances (e.g. the child cannot benefit from state facilities, such as health care and education, because he or she does not have a passport), **and**
- the family is facing deportation from the country in which they live and there is no other country apart from the United Kingdom to which they could travel if deported, **and**
- the child is of good character (if the child is aged 10 or over)

Further information about registration as a British subject and the relevant application forms are available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10).

RENUNCIATION OF BRITISH SUBJECT STATUS

7. If you are a British subject, you may renounce (give up) your British subject status as long as:

- you already have, or are about to get, some other citizenship or nationality, **and**
- you are *either* aged 18 or over *or* have been married, **and**
- you are not of unsound mind

Further information about renunciation of British subject status and the relevant form RN1 is available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10).

LOSS OF BRITISH SUBJECT STATUS

8. If you are a British subject, and you get any other citizenship or nationality after 1 January 1983, you will no longer be a British subject unless you have made a claim to remain a British subject under section 2 of the British Nationality Act 1948 (see paragraph 2) or under the 1981 Act (see paragraph 3).

REGISTRATION AS A BRITISH CITIZEN

9. If you are a British subject you may be entitled to be registered as a British citizen if:

- you have lived in the United Kingdom for 5 years
(NB. If you are registered under this provision, you will be a British citizen *otherwise than by descent*, which means that you will be able to pass on your citizenship to your children if they are born abroad)

OR

- the Home Secretary is satisfied that
 - you do not have another citizenship or nationality (see Note G) and
 - if you ever had another citizenship or nationality, you have not renounced or voluntarily lost it (see Note H) since 4 July 2002

(NB. If you are registered under this provision, you will be a British citizen *by descent*, which means that you will not normally be able to pass on your citizenship to your children if they are born abroad)

If you are a British subject, you may also be able to register as a British citizen at the Home Secretary's discretion if you are, or have ever been:

- in Crown service under the government of a British overseas territory, or
- in service as a member of a body established by law in a British overseas territory

Further information about the requirements for registration as a British citizen is contained in leaflet BN12. Leaflet BN12, and the relevant application forms for registration as a British citizen, are available on our website or from the Nationality Quality and Enquiry Team or British Post abroad (see paragraph 10).

ADDRESS FOR GENERAL ENQUIRIES, LEAFLETS, AND APPLICATION FORMS

10. If you are in England, Scotland, Wales or Northern Ireland, and you have any questions about this leaflet, about being a British subject, or you want to make a claim that you have remained a British subject (see paragraph 3), please contact:

Home Office Department 2
Nationality Quality and Enquiry Team
Border and Immigration Agency
PO Box 306
Liverpool
L2 0QN

Telephone number: 0845 010 5200

If you want to make an application for registration as a British citizen or British subject, you can get an application form and guide on our website or by telephoning 0117 344 1462.

If you have any questions about citizenship or you want to ask for an application form (and you are not in England, Scotland, Wales or Northern Ireland), please contact:

- the Lieutenant-Governor, if you are in the Channel Islands or the Isle of Man
- the British Embassy or Consulate, if you are in a foreign country or Ireland
- the British High Commission, if you are in a Commonwealth country
- the Governor, if you are in a British overseas territory

Please provide the following information:

- your full name and address;
- your date, place and country of birth;
- your present nationality;
- the date and place of your first arrival in the United Kingdom (if applicable); and
- details of your periods of residence in the United Kingdom (if applicable)

Leaflets and application forms are also available on our website.

PASSPORTS

11. If you have any questions about British passports, you can obtain further advice and information on the Identity and Passport Service website at www.passport.gov.uk or by contacting the 24-hour Passport Adviceline on 0870 521 0410. If you are not in England, Wales, Scotland or Northern Ireland, you can also contact your nearest British Post abroad (see paragraph 10).

NOTES

A. A British subject without citizenship was a person who was a British subject on 31 December 1948 but who did not become a citizen of the United Kingdom and Colonies, a citizen of a Commonwealth country, a citizen of Pakistan or a citizen of the Republic of Ireland.

B. Section 2 of the British Nationality Act 1948 said that certain people who were citizens of Eire and British subjects on 31 December 1948 could claim to have remained British subjects.

C. These are women who registered as British subjects on the basis of their marriage to a man who was either a British subject without citizenship or a British subject who had made a claim under section 2 of the British Nationality Act 1948.

D. In this leaflet, the United Kingdom means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

E. The British overseas territories¹ on 1 January 1983 were:

Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands and Dependencies², Gibraltar, Hong Kong³, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Christopher and Nevis⁴, St. Helena and Dependencies, the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, Turks and Caicos Islands and Virgin Islands.

F. Meaning of "parent"

Children born before 1 July 2006

"Parent" means:

- the mother (if the child was born on or after 1 January 1983) - before 1983, women were not able to pass on citizenship to their children
- the father (but only if he was married to the mother)

If the parents were not married when the child was born, but then get married, the marriage might legitimate the child's birth. Children of a void marriage may also, in some circumstances, be treated as legitimate.

¹ Before 26 February 2002, the British overseas territories were known as the "British dependent territories" and, since then, British Dependent Territories citizens(hip) has been known as "British overseas territories citizens(hip)".

² South Georgia and the South Sandwich Islands were the "Dependencies" of the Falkland Islands, but were not dependent territories during the period 3 October 1985 - 3 December 2001.

³ Hong Kong ceased to be a British dependent territory on 30 June 1997 (i.e. when sovereignty over the territory reverted to China).

⁴ St Christopher and Nevis ceased to be a British dependent territory on 18 September 1983 (when it became an independent Commonwealth country).

Children born on or after 1 July 2006

“Parent” means:

- the mother (i.e. the woman who gives birth to the child)
- the father if:

(a) he is married to the mother at the time of the birth, or

(b) he is treated as the father under section 28 of the Human Fertilisation and Embryology Act 1990, or

(c) (*if neither (a) nor (b) apply*) he can satisfy certain requirements as regards proof of paternity - i.e. he is named as the father on a birth certificate issued within 1 year of the child’s birth or he can satisfy the Home Secretary that he is the father of the child (by means of DNA test results, court orders or other relevant evidence)

G. For the purposes of British nationality law, Indian Overseas Citizenship is regarded as a “nationality”.

H. Some countries may treat the acquisition of another country’s passport (including one that describes the holder as a British subject) as grounds for deprivation of its citizenship. For the purposes of registration, we would regard the loss of another country’s citizenship in this way as “voluntary”.

The law covering British subject status is in the British Nationality Act 1981 and the Regulations made under it and in the Immigration, Asylum and Nationality Act 2006. The information given here is only a brief guide to the law and the Home Secretary’s policy. It is not a complete statement of either the law or policy.